

### REMARKS/ARGUMENTS

Claims 1-20 are pending in the present application. Claims 1-7 and 17-20 have been withdrawn from consideration. In the Office Action mailed February 10, 2005, the Examiner rejected claims 8-16 under 35 U.S.C. § 103(a).

In the above amendments, claim 8 has been amended to recite that "the common configuration file is common to a plurality of autonomous multimedia computing devices" and "the common configuration file comprises parameters and settings which determine how the plurality of autonomous multimedia computing devices operate." Support for these amendments may be found on page 8, line 2 and page 19, lines 1-12 of Applicants' specification.

Claim 8 has also been amended to recite that a "fault-tolerant network connection" is one that "allows downloading of a file to resume once a broken network connection is reestablished." Support for this amendment may be found on page 22, lines 4-8 of Applicants' specification.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

#### A. Specification

The Examiner objected to the disclosure because the specification lacks a brief summary of the invention. A brief summary of the invention is suggested but not required by the regulations:

A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, *should* precede the detailed description. Such summary should, *when set forth*, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed.

37 C.F.R. § 1.73 (emphasis added). Because a brief summary of the invention is not required, Applicants respectfully request that the Examiner withdraw this objection.

#### B. Rejection of Claims 8-16 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 8-16 under 35 U.S.C. § 103(a) based on U.S. Patent No. 6,347,398 to Parathasarathy et al. (hereinafter, "Parathasarathy") in view of U.S. Patent No.

6,842,906 to Bowman-Amuah (hereinafter, "Bowman-Amuah"). This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claim 8 recites, in pertinent part:

storing a local copy of a common configuration file...;  
polling a server at pre-determined time intervals ... for updates ...;  
in response to updates being available from the server, downloading one or more updates via a fault-tolerant network connection...; and  
playing the multimedia content based on instructions contained within the local copy of the common configuration file.

Parathasarathy does not teach or suggest "storing a local copy of a common configuration file ... on the computing device," as recited in claim 8. The Examiner asserts that this limitation is taught at column 7, lines 3-25 of Parathasarathy. See Office Action, page 3. Applicants respectfully disagree. This portion of Parathasarathy teaches that "[d]ocuments ... can reside as files of a file

system." Parathasarathy, col. 7, lines 3-4. However, none of the documents taught in Parathasarathy are a "common configuration file," as recited in claim 8.

In particular, claim 8 specifies that "the common configuration file comprises parameters and settings which determine how the plurality of autonomous multimedia computing devices operate." For example, the claimed "common configuration file" may include a listing of approved URLs to which users of the multi-media computing devices are allowed to navigate. As another example, the claimed "common configuration file" may include timing information which indicates when the multi-media computing devices perform certain operations, such as reporting logging information and/or querying a central server for software updates. In contrast to what is recited in claim 8, none of the documents taught in Parathasarathy comprise parameters and settings which determine how a plurality of computers operate. Parathasarathy provides several examples of information that may be included in the documents 46. This information 48 includes "images, audio, video, executable programs, etc." Parathasarathy, col. 7, lines 16-17. However, this information 48 does not determine how the local computer 36 (or any other computer) operates, as required by claim 8.

Parathasarathy also does not teach or suggest "downloading one or more updates via a fault-tolerant network connection," as recited in claim 8. The Examiner asserts that this limitation is taught at column 8, lines 27-35 of Parathasarathy. See Office Action, page 3. Applicants respectfully disagree. This portion of Parathasarathy teaches that "a more recent version of the desired software component" may be "downloaded in an asynchronous manner by the data download module 60." Parathasarathy, col. 8, lines 27-31. However, Parathasarathy does not teach that the desired software component may be downloaded "via a fault-tolerant network connection," as recited in claim 8. Claim 8 specifies that a fault-tolerant network connection is one "that allows downloading of a file to resume once a broken network connection is reestablished." Parathasarathy does not discuss what may occur if there is a broken network connection during the downloading of the software components by the data download module 60.

Parathasarathy also does not teach or suggest "playing the multimedia content based on instructions contained within the local copy of the common configuration file," as recited in claim 8.

The Examiner asserts that this limitation is taught at column 9, lines 22-31 of Parathasarathy. See Office Action, page 3. Applicants respectfully disagree. This portion of Parathasarathy teaches that a "control file is used to locate object oriented software components ... to provide dynamic or interactive multimedia to a user." Parathasarathy, col. 9, lines 23-24 and 27-28. However, the control file disclosed in Parathasarathy is not a "common configuration file," as recited in claim 8.

In particular, the control file disclosed in Parathasarathy does not "comprise[] parameters and settings which determine how the plurality of autonomous multimedia computing devices operate," as recited in claim 8. Parathasarathy does not teach that the control file includes any parameters or settings which determine the operation of a plurality of computers. Instead, Parathasarathy merely teaches that:

The control file can be a single portable executable file or a file (e.g., a cabinet or initialization file) which contains one or more remote executable files, library files (e.g., Dynamic Link Library (.DLL) files), or references to one or more remote executable files or library files. The control file is used to determine the location of the software components on one or more remote computers 44 to download to the local computer 36.

Parathasarathy, col. 9, lines 14-21 (emphasis added).

Bowman-Amuah does not teach or suggest the deficiencies of Parathasarathy. As discussed above, Parathasarathy does not teach or suggest "storing a local copy of a common configuration file ... on the computing device," as recited in claim 8. Parathasarathy also does not teach or suggest "downloading one or more updates via a fault-tolerant network connection," as recited in claim 8. Parathasarathy also does not teach or suggest "playing the multimedia content based on instructions contained within the local copy of the common configuration file," as recited in claim 8. The Examiner has not asserted that Bowman-Amuah teaches or suggests these limitations. Moreover, Applicants cannot find any portion of Bowman-Amuah that teaches or suggests these limitations. Therefore, even if the teachings of Parathasarathy and Bowman-Amuah were combined in the manner proposed by the Examiner, the resulting combination still would not teach or suggest all of the limitations in claim 8. Accordingly, Applicants respectfully request that the rejection of claim 8 be withdrawn.

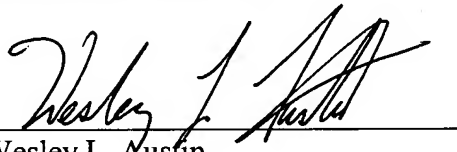
Appl. No. 10/015,322  
Amdt. dated June 10, 2005  
Reply to Office Action of February 10, 2005

Claims 9-16 depend either directly or indirectly from claim 8. Accordingly, Applicants respectfully request that the rejection of claims 9-16 be withdrawn for at least the same reasons as those presented above in connection with claim 8.

C. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', is written over a horizontal line.

Wesley L. Austin  
Reg. No. 42,273  
Attorney for Applicant

Date: June 10, 2005

MADSON & METCALF  
Gateway Tower West  
15 West South Temple, Suite 900  
Salt Lake City, Utah 84101  
Telephone: 801/537-1700